

ENTERED

September 21, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOHN MICHAEL CAMPOS,

§

Plaintiff,

§

V.

§

CIVIL ACTION NO. 2:23-CV-00119

JAMES SALES, *et al.*,

§

Defendants.

§

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Jason Libby's Memorandum and Recommendation ("M&R"). (D.E. 10). The M&R recommends that the Court dismiss with prejudice Plaintiff's claims against Defendants, (D.E. 1; D.E. 9), until such time as Plaintiff satisfies the conditions set forth in *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994). (D.E. 10, p. 10). The M&R further recommends that the dismissal of this case count as a "strike" for purposes of 28 U.S.C. § 1915(g).

Id.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Badaiki v. Schlumberger Holdings Corp.*, 512 F. Supp. 3d 741, 743–44 (S.D. Tex. 2021) (Eskridge, J.).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 10). Accordingly, Plaintiff's

claims, (D.E. 1; D.E. 9), are **DISMISSED with prejudice** as frivolous until such time as Plaintiff satisfies the conditions set forth in *Heck v. Humphrey*, 612 U.S. 477, 486–87 (1994). Further, the Court **ORDERS** that the dismissal of this case shall count as a “strike” for purposes of 28 U.S.C. § 1915(g). The Clerk of Court is **INSTRUCTED** to forward a copy of the M&R, (D.E. 10), to the “Manager of the Three Strikes List for the Southern District of Texas” at Three_strikes@txs.uscourts.gov. *Id.*

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
September 20, 2023